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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-08-00594 SBA
)	
Plaintiff,	)	JOINT MOTION AND STIPULATED
	)	REQUEST TO SET CHANGE OF PLEA
v.	)	AND SENTENCING ON JANUARY 12,
	)	2010 AND TO EXCLUDE TIME UNDER
DARRYL BURKS,	)	THE SPEEDY TRIAL ACT
)	
Defendant.	)	Date: October 13, 2009
	)	Time: 10:00 a.m.
	)	Court: Hon. Sandra Brown
	)	Armstrong

The above-captioned matter is set on October 13, 2009 before this Court for change of plea or trial setting. The parties request that this Court vacate that date and set this matter for change of plea and sentencing on January 12, 2010 at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act between the date of this stipulation and January 12, 2010. The parties have contacted the courtroom deputy, who indicated that January 12, 2010 is the next available date for sentencing in this case.

The parties have reached an agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure and will submit the revised proposed plea agreement to the Court at the same time as this stipulation. To allow time for the Court to consider the revised proposed plea

STIP. REQ. TO SET CHANGE OF PLEA & SENTENCING ON JANUARY 12, 2010 & TO EXCLUDE TIME
No. CR-08-00594 SBA

1 agreement and for the preparation of a Presentence Investigation Report by the United States
2 Probation Office, the parties request that this matter be set on January 12, 2010 at 10:00 a.m. for
3 change of plea and sentencing (assuming the proposed plea agreement is acceptable to the
4 Court). The probation officer in this case has not been able to interview Defendant, due to the
5 fact that Defendant was moved from one facility to another during the scheduled interviews.
6 Defendant agrees that the Court may review the pre-plea Presentence Investigation Report even
7 though he has not yet pleaded guilty. Since the proposed plea agreement has been submitted to
8 the Court, the parties further stipulate and agree that the time between October 13, 2009 and
9 January 12, 2010 should be excluded under the Speedy Trial Act, and specifically pursuant to 18
10 U.S.C. § 3161(h)(1)(G), for consideration by the Court of a proposed plea agreement to be
11 entered into by the defendant and the attorney for the government.
12

13 DATED: October 8, 2009
14

15 */s/ Christina M. McCall*

/s/ Brendan Conroy

16 CHRISTINA M. McCALL
17 Assistant United States Attorney
Counsel for United States

BRENDAN CONROY
Counsel for Darryl Burks

UNITED STATES OF AMERICA,)	No. CR-08-00594 SBA
)	
Plaintiff,)	ORDER GRANTING JOINT MOTION
)	AND STIPULATED REQUEST TO SET
v.)	CHANGE OF PLEA AND SENTENCING
)	ON DECEMBER 1, 2009 AND TO
DARRYL BURKS,)	EXCLUDE TIME UNDER THE SPEEDY
)	TRIAL ACT
Defendant.)	
)	Date: October 13, 2009
)	Time: 9:00 a.m.
)	Court: Hon. Saundra Brown
)	Armstrong

The parties jointly requested that status hearing in this matter be vacated and that this matter be set for change of plea and sentencing on January 12, 2010 at 10:00 a.m. The parties further requested that time be excluded under the Speedy Trial Act between October 13, 2009 and January 12, 2010 to allow time for the Court to consider the proposed plea agreement to be entered into by the defendant and the attorney for the government, and to allow time for the preparation of a Presentence Investigation Report by the United States Probation Office. Defendant agreed that the Court may review the pre-plea Presentence Investigation Report even though he has not yet pleaded guilty. Good cause appearing therefor, and pursuant to 18 U.S.C. § 3161(h)(1)(G),

IT IS HEREBY ORDERED that this matter is set for change of plea and sentencing on January 12, 2010 at 10:00 a.m., and that time between October 13, 2009 and January 12, 2010 is

1 excluded under the Speedy Trial Act, and specifically pursuant to 18 U.S.C. § 3161(h)(1)(G), for
2 consideration by the Court of a proposed plea agreement to be entered into by the defendant and
3 the attorney for the government.

4 **IT IS FURTHER ORDERED** that the United States Probation Office shall prepare a
5 Presentence Investigation Report.

6
7 DATED:10/8/09


8 HON. SAUNDRA BROWN ARMSTRONG
United States District Judge